

REMARKS

By the foregoing Amendment, Claims 2 and 8 are amended. Entry of the Amendment, and favorable consideration thereof is earnestly requested in light of the above Amendments and the below Remarks.

The Examiner has required restriction to one of three groups of Claims. Applicant has provisionally elected to prosecute Group I, Claims 1-12. Applicant hereby affirms this election.

Claim 1 has been objected to and Claims 2 and 8 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention due to various informalities. Claims 2 and 8 have been amended to correct these informalities.

The present invention is directed to a method for forming an article of clothing wherein a fabric layer is juxtaposed with a layer of thermoplastic material, the thermoplastic material is cut so its outer edge is spaced outwardly from the fabric peripheral edge, and, simultaneously with cutting, sealing the fabric layer to the layer of thermoplastic material to form a sealed periphery.

The Examiner has rejected Claims 1-4 under 35 U.S.C. §103 as being unpatentable primarily in view of Corzani et al. (U.S. Patent No. 6,248,202). This rejection is respectfully traversed.

Claim 1 specifically requires, among other elements, that the layer of thermoplastic material be sealed to the fabric layer to form a sealed periphery. Corzani et al. does not disclose, teach or suggest this limitation. Corzani et al. relates to a process for manufacturing individual layered structures, more particularly disposable absorbent articles, such as sanitary napkins. With reference to Figure 4 and the accompanying description thereof, an absorbent structure 12 is provided. A fluid pervious topsheet 28 and a fluid impervious backsheet 30 are supplied from reels 32 and 34, respectively, and the topsheet 28 and the backsheet 30 are positioned to incorporate the individual absorbent structure 12 therebetween. Finally, the topsheet 28 and the backsheet 30 are joined together and cut along a perimeter at a cutting and sealing station 38 to form sanitary napkins 36. Thus, Corzani et al. teaches that the topsheet 28 and the backsheet 30 are joined to each other, and are not sealed to the absorbent structure (which the Examiner reads as being the claimed "fabric layer"), as required by all claims.

Moreover, Applicant respectfully submits that modifying Corzani et al. to arrive at the claimed invention would not have been obvious, and likely would not

even be possible. First, there is absolutely no motivation found in Corzani et al. or any of the other cited art to seal either the topsheet 28 or the backsheet 30 directly to the absorbent structure 12, rather than simply forming a pocket therebetween for containing the absorbent structure 12 therein, as is disclosed. Secondly, because of the nature of the absorbent material 12 itself, it is likely that the topsheet 28 and the backsheet 30 could not be sealed directly thereto simultaneously with cutting. Instead, a sealing step would be required wherein some type of adhesive would have to be applied. Even then, it may not be possible to seal the topsheet 28 or the backsheet 30 directly to the absorbent structure 12.

Thus, because at the very least there is no motivation for one skilled in the art to seal the topsheet 28 or the backsheet 30 to the absorbent structure 12, as is required by all claims, and because such may not even be possible, Applicant respectfully submits that Corzani et al. does not, either alone or in combination with any of the other cited references, render obvious the present invention as claimed.

The Examiner has also rejected Claims 1-3 and 5-12 under 35 U.S.C. §103 as being unpatentable primarily in view of Azulay (U.S. Publication No. 2002/0079039). This rejection is respectfully traversed.

Claims 1 and 9, all independent claims, specifically require, among other elements, that the layer of thermoplastic material be sealed to the fabric layer and simultaneously cut to form a sealed periphery. Azulay does not disclose, teach or suggest this limitation, and actually teaches away from modifying the apparatus and method disclosed therein to arrive at this limitation.

Azulay relates to an apparatus and method for joining together two or more fabric components without thread, the components including at least one ultrasonically bondable component. Thus, contrary to the Examiner's assertion, the trim 40 of Azulay is not formed from a thermoplastic material, but rather comprises a textile material which contains thermoplastic fibers. (page 2, paragraph 0023). This is important because, as is well known in the art, cutting a textile material and leaving its edge exposed is highly undesirable, because unraveling and/or fraying will likely result. It is for this reason that the trim 40 of Azulay is wrapped over the edge of the fabric material so that the edge of the fabric material is sandwiched between opposing portions of the trim. (page 2, paragraph 0024; page 4, paragraph 0036; Figure 5).

Thus, as the Examiner expressly recognizes, Azulay does not disclose, teach or suggest that the thermoplastic material be sealed to the fabric layer and simultaneously cut to form a sealed periphery. Rather, the Examiner cites Gute (U.S. Patent No. 5,061,331) as disclosing this element. However, Applicant

respectfully submits that Azulay itself teaches away from the suggested combination with Gute because if the trim 40 were simultaneously sealed to the fabric layer and cut, rather than being wrapped around the fabric layer to sandwich it, cut ends of the trim 40 would be left exposed, and, being that the trim 40 is a textile material, would likely undesirably fray and/or unravel. As such, one skilled in the art would not make such a modification. Instead, one skilled in the art would continue to wrap the trim 40 around the edge of the textile material rather than cut it.

For the foregoing reasons, Applicant respectfully submits that all pending claims, namely Claims 1-12, are patentable over the references of record, and earnestly solicits allowance of the same.

Respectfully submitted,



Louis H. Reens, Registration No. 22,588
Todd M. Oberdick, Registration No. 44,268
ST. ONGE STEWARD JOHNSTON & REENS LLC
986 Bedford Street
Stamford, Connecticut 06905-5619
(203) 324-6155
Attorneys for Applicant